United Nations S/AC.44/2004/(02)/162

Security Council

Distr.: General
21 March 2011

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 7 March 2011 from the Permanent Mission of Ethiopia to the United Nations addressed to the Chair

The Permanent Mission of Ethiopia to the United Nations has the honour to submit herewith its first report on the implementation of Security Council resolution 1540 (2004) (see annex).

11-27325 (E) 310311

Please recycle

Annex to the note verbale dated 7 March 2011 from the Permanent Mission of Ethiopia to the United Nations addressed to the Chair

National report of the Federal Democratic Republic of Ethiopia on the implementation of Security Council resolution 1540 (2004) to the Security Council Committee established pursuant to the same resolution

1. This report has been prepared in accordance with paragraph 4 of Security Council resolution 1540 (2004) for submission to the Security Council Committee established pursuant to the same resolution.

2. The Government of the Federal Democratic Republic of Ethiopia has consistently expressed its commitment to the principles of the maintenance of international peace and security and the promotion of friendly relations and cooperation among States. The Government of Ethiopia, in continuance of this long-standing tradition, affirms its full support for resolution 1540 (2004), adopted by the Security Council on 28 April 2004. Ethiopia has never developed and does not own or possess any nuclear, chemical or biological weapons and/or production facility in any place within its territory, nor transferred, either directly or indirectly, any equipment for the production of such weapons. Ethiopia has never assisted any State or non-State actor to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery.

3. Ethiopia continues to collaborate with the international community in the fight against illicit acquisition of weapons of mass destruction and is committed to enhancing cooperation to prevent illicit trafficking in these and related weapons. Currently, owing to the increasing danger of such weapons being acquired by non-State actors and the possible hazards resulting from their use by such irresponsible groups for destructive and terrorist aims, Ethiopia has been taking all the necessary measures to implement Security Council resolution 1540 (2004). Ethiopia, while expressing its strong commitment for the peace and security of the world, is also working towards ensuring effective compliance by strengthening the legal and administrative framework in combating terrorism in all its forms and preventing the acquisition of weapons of mass destruction by non-State actors.

4. Ethiopia recognizes that the proliferation of weapons of mass destruction is a grave threat to international peace and security, which would endanger the very existence of humanity. Ethiopia strongly deplores the proliferation of weapons of mass destruction and condemns all acts of terrorism. Ethiopia reaffirms its allegiance to the global fight against terrorism, which emanates from the conviction that eliminating terrorism is vital to national economic development and the continuation of the democratization process in the country. The Government recognizes that terrorism remains a threat to both State and human security as it impedes peace and development in any part of the world.

5. Ethiopia considers that control and reduction of nuclear, biological or chemical weapons constitutes a significant step for their total elimination. Hence, Ethiopia believes that the best method to ensure that such weapons may not be acquired by terrorist groups or non-State actors is for the international community to follow a path that will end in the eradication of weapons of mass destruction in the world.

I. Ethiopia's efforts in the field of non-proliferation of weapons of mass destruction

6. Ethiopia attaches great importance to multilateral cooperation as the government believes that the struggle against terrorism could only be effective if addressed collectively. Thus, the government has ratified 9 of the 13 international agreements on terrorism. There are ongoing activities to increase Ethiopia's role by ratifying the remaining international conventions and protocols. In this regard, the following Conventions have been ratified by the House of Peoples Representatives of the Federal Democratic Republic of Ethiopia (the Parliament):

- The Treaty on the Non-Proliferation of Nuclear Weapons in 1970 and comprehensive safeguards agreement with the International Atomic Energy Agency was signed (Proclamation No. 379/2003)
- The International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly in 1997 (Ratification Proclamation No. 301/2002)
- Convention of the Organization of the African Unity on the Prevention and Combating of Terrorism (1999) (Ratification Proclamation No. 302/2002)
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons Including Diplomatic Agents (1973) (Ratification Proclamation No. 303/2002)
- International Convention Against the Taking of Hostages (1979) (Ratification Proclamation No. 304/2002)
- Protocol to the Organization of African Unity Convention on the Prevention and Combating of Terrorism (Ratification Proclamation No. 614/2008)
- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly on 9 December 1999 (Ratification Proclamation No. 657/2009)
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed in Tokyo in 1963 (Ratification Proclamation No. 31/1996)
- Convention and Protocol for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague in 1970 and Montreal in 1988 (Ratification Proclamation No. 31/1996)
- Proclamation to Ratify the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Ratification Proclamation No. 30/1996)
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted in Rome in 1988
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal in 1971.

7. Ethiopia has begun the process of ratifying the Convention on the Marking of Plastic Explosives for the Purpose of Detection on air transport. The Parliament has referred the Convention to the Standing Committee on Infrastructure for further

consideration. Once ratified, the Ministry of Transport would be empowered to undertake all measures necessary for the implementation of the Convention.

II. Ethiopia's measures to combat terrorism in all its forms

8. The legislature in Ethiopia has been playing a significant role in the fight against terrorism on the domestic level by adopting new laws relating to terrorist acts and introducing amendments to the Penal Code and the Penal Procedure Code. Ethiopia has been taking measures to fight terrorism in all its forms by dismantling terrorist networks both at the national and regional levels and drying up their sources of finance, which will ultimately lead to achieving the objectives outlined in resolution 1540 (2004) in a manner that prevents the acquisition of weapons of mass destruction by non-State actors.

9. In 2009, the Parliament adopted Anti-Terrorism Proclamation No. 652/2009 and promulgated additional legislations to control the financing of international terrorism. Proclamation 657/2009, recently adopted, regulates the prevention and suppression of money-laundering and the financing of terrorism. These legislations deal with the prevention and control of direct terrorist acts, and combat the crime of money-laundering and the provision of financial support to terrorists. The main principles enshrined in these Proclamations include the criminalization of all forms of terrorism, its financing, and all forms of its incitement, collaboration and initiation. In order to curtail terrorist financing and counterfeiting, the government adopted anti-money-laundering directives.

10. The National Bank of Ethiopia created financial investigation mechanisms to control foreign funding, while the judicial authorities are empowered to confiscate proceeds from crimes such as money-laundering and the financing of terrorism. These rules enable the Prosecutor, in complete confidentiality, to establish the facts regarding transactions in accounts held by those accused of such crimes at an appropriate time. This is relevant, given the extent to which terrorists, in large part, rely on foreign funding to conduct their activities.

11. The Revised Penal Code of Ethiopia criminalized terrorist acts, money-laundering and a number of other related crimes. Those offences, included in the international instruments to which Ethiopia is a party, were made part of the new counter-terrorism law. Ethiopia also has laws that facilitate the acquisition of information by the competent monitoring authorities, enabling them to prevent any illegal activity, including terrorist operations and the arms acquisition.

12. There are other detailed substantive domestic laws, regulations and administrative measures that are meant to prevent the proliferation and transfer of nuclear, chemical and biological weapons and related materials to the hands of non-State actors.

III. Legislative measures on nuclear, chemical and biological weapons

13. Ethiopian legislation includes laws that ban activities involving the import or transfer of nuclear, chemical and biological weapons and weapons of mass destruction, pursuant to resolution 1540 (2004). These are as follows:

- Drug Administration and Control Proclamation No. 176/1999
- Proclamation to Implement the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction Proclamation No. 331/2003
- Immigration Proclamation No. 354/2003
- Radiation Protection Proclamation No. 571/2008
- Customs Control Proclamation No. 662/2009
- Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009
- Quarantine Regulations Council of Ministers Regulations No. 4/1992.

14. The Proclamation that established the Ethiopian Revenue and Customs Authority provides the framework under which Ethiopia controls general imports and exports to enable it to discharge its international obligation. Ethiopia has established domestic controls and has taken effective measures to enforce controlling procedures. The Customs Authority controls the imports from countries under Security Council embargo by checking the documentation of the Import Certificate and conducting the Delivery Verification system, which regulates controlled items from originating countries for end-users in Ethiopia. The law provides that the import, export or transfer of materials, equipment, technology, scientific and technical information that may be used in the production of weapons, armaments and military hardware is illegal. Assuming its obligation to take and enforce effective measures to establish domestic controls to prevent the transfer of nuclear, chemical and biological weapons, the Customs Authority trained its agents and inspectors to identify such weapons. The inspection officers check for prohibited items in accordance with the appropriate Conventions.

15. In the resolve to carry out Ethiopia's duty under the Chemical Weapons Convention, the Parliament adopted the Proclamation to Implement the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Proclamation No. 331/2003). The Ministry of Trade and Industry is authorized to implement all rights acquired and all obligations that Ethiopia entered in the Convention on behalf of the Government. The Ministry would facilitate inspections to be conducted by the Organisation for the Prohibition of Chemical Weapons in the territory of Ethiopia in accordance with the Convention; and ensure that those inspections are conducted and act as the in-country escort for the inspection team, in accordance with the Convention. The Customs Authority shall have an obligation to ensure that the import or export of toxic chemicals and their precursors annexed to that Proclamation, is duly licensed by the Ministry.

16. In accordance with current laws and regulations, activities involving dangerous materials and waste are banned. It is prohibited to establish plants to process dangerous waste unless so authorized by the competent administrative authority and the Environmental Protection Authority. Radiation Protection Proclamation No. 571/2008 regulates the use of ionized radiation and the prevention of risk; it confines the use or possession of radioactive materials to the bodies working in this field and imposes full controls on such materials. It also stipulates

that the disposal of dangerous waste must be conducted in accordance with the norms and conditions outlined by the executive regulations under the law.

17. The government established this agency to regulate radiation sources and related practices in order to protect the entire society and the environment in current and future generations against the harmful effects of radiation, while such sources and related practices are used for the benefit of the public. Radiation Protection Proclamation No. 571/2008 bans the import into, entry to, or transit via State territory of dangerous waste. The law states that, given the danger involved in handling dangerous materials and waste, there is a strict ban on the import of such materials. No radioactive material shall, as applicable, be mined, manufactured, constructed, assembled, acquired, transited, imported, exported, distributed, sold, loaned, hired, used, commissioned, maintained, repaired, disassembled, transported, stored or disposed of except in accordance with the requirement established by the Ethiopian Radiation Protection Authority unless the exposure to such source is excluded or the source is exempted from the requirements including the requirements of notification and authorization. No practice shall be authorized unless it produces sufficient benefit to the exposed individual or the society to offset the radiation harm it might cause. The applicant for an authorization shall provide sufficient information and evidence on the benefit and harm to support the justification of the practice. The Ministry of Health determines, after consultation with other Ministries and the Environmental Protection Authority, the locations and conditions suitable for the disposal of dangerous waste under strict supervision and security controls.

18. Proclamation No. 661/2009 established a new system to control and deter illicit production, trafficking and use of narcotic drugs, psychotropic substances, and precursor chemicals. The law regulates the use, storage and disposal procedures and prohibits the import or export of narcotic drugs, psychotropic substances or precursor chemicals without licence and proper authorization by the government. The production, import, export and distribution or sale of poisons or radioactive pharmaceuticals without obtaining a certificate of competence from the appropriate organ is also prohibited. In an effort to protect public health there are control procedures at ports of entry and exit.

19. Pursuant to Immigration Proclamation No. 354/2003, an entry visa may be denied or cancelled if the applicant or the holder is found to be a notorious criminal who has been found to be a threat to the security. The Authority may issue a deportation order against a foreigner found to be a notorious criminal or has been declared to be a threat to the security.

IV. Security and monitoring measures

20. The competent Ethiopian authorities (including the Federal and Regional Police Forces) have put into effect appropriate controls to restrict the handling of nuclear, chemical and biological materials, as detailed below:

21. As part of the Government's efforts to combat the smuggling of radioactive sources (particularly closed radioactive sources, the use of which is widespread in the fields of industry and medicine) and to prevent their acquisition by terrorist groups, the Ethiopian Radiation Protection Authority was established to monitor this at the national level. The Authority is charged with the task of protecting the society,

its property and the environment, in current and future generations, from radiation hazards emitted from radiation sources and related practices, including X-ray machines above the exempted level. An inter-ministerial committee follows up on the systems for physical protection of radioactive sources, especially those of higher radioactive intensity. The Ministry of Health reviews the protection system in accordance with international standards (Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009).

22. Security inspection of individuals, goods and belongings is conducted by means of electronic gates, X-ray machines and fibre scopes; goods are examined by the competent authorities. For this purpose, the Civil Aviation Authority uses X-ray inspection equipment. Security teams take part in inspections at the branches of the Customs Authority for Monitoring Imports and Exports at all legitimate points of entry into the country. The aim is to tighten control on dangerous (including biological, chemical and explosive) materials. In the air transport area, measures are taken to strengthen safety and security in accordance with the standards and recommended practices of the International Civil Aviation Organization Law. Ethiopia has set up platforms throughout the country to prevent the illegal introduction and exit of weapons and prohibited items (including chemical explosives) and their means of delivery, in particular for terrorist purposes. Such measures include the detailed procedures put in place at the airport level.

23. In order to control the import, export, use, storage, production, transport and possession of disposal of chemical weapons, in addition to the obligations derived from the Convention, Ethiopia adopted legislative control over all activities involving the transfer, production and storage of chemical materials. Ethiopia exerts control on international transfers of materials with possible applications to nuclear, biological and chemical weapons.

V. Ethiopia's actions to implement Security Council resolution 1540 (2004)

24. The Ethiopian Government has taken the necessary measures to meet the obligations outlined in the resolution, the National Agency for Security and Intelligence carries out actions to implement the counter-terrorism resolutions adopted by the Security Council. In this regard, it is important to note that the national authorities have been cooperating with United Nations organs and follow-up on the list of individuals and organs that are under sanction by the Security Council Counter-Terrorism Committee. At the national level, the Ministries of Federal Affairs, Justice, Foreign Affairs, Defence, Finance, Industry and Transport, the National Agency for Security and Intelligence, the Civil Aviation Authority, the Radiation Authority, and the Customs Authority follow up on the implementation of the legal framework. There is a core group that coordinates the work and is responsible for implementing the Security Council resolutions.

25. Ethiopia stands ready to collaborate with States and international organizations to benefit from technical assistance; and on capacity development such as training of personnel and the provision of equipments that are necessary for the implementation of the resolution. The Government needs support to develop the capabilities of the national authority to establish a biosafety facility, including the provision of equipments and the training of experts through biosafety and

biosecurity workshops. For import-export or border control, equipments such as radiation meters, radioactive materials detectors and chemical investigation equipment are necessary. Moreover, the enhancement and upgrading of container and cargo security at the border entry points are needed. In our view, technical assistance is of paramount importance for the implementation of resolution 1540 (2004).